

**U. S. District Court
Western District of Arkansas (Fayetteville)
CIVIL DOCKET FOR CASE #: 5:10-cv-05125-JLH
*Internal Use Only***

Stebbins v. University of Arkansas et al
Assigned to: Honorable Jimm Larry Hendren
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/12/2010
Jury Demand: None
Nature of Suit: 446 Civil Rights: Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff**David Stebbins**

represented by **David Stebbins**
1407 N. Spring Rd.
Apt 5
Harrison, AR 72601
PRO SE

V.

Defendant**University of Arkansas**

represented by **T. Scott Varady**
Office of the General Counsel
University of Arkansas
421 Administration Building
Fayetteville, AR 72701
(479) 575-5401
Fax: (479) 575-5046
Email: svarady@uark.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Office of the Chancellor**

Date Filed	#	Page	Docket Text
07/12/2010	<u>1</u>		COMPLAINT against Office of the Chancellor, University of Arkansas, filed by David Stebbins.(src) (Entered: 07/12/2010)
07/12/2010	<u>2</u>		MOTION for Leave to Proceed in forma pauperis, MOTION for Service by David Stebbins. (src) (Entered: 07/12/2010)
07/12/2010	<u>3</u>		ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. Signed by Honorable Erin L. Setser on July 12, 2010. (src) (Entered: 07/12/2010)
07/22/2010	<u>4</u>		MOTION to Register to Use CM/ECF by David Stebbins. (src) (Entered: 07/22/2010)

08/18/2010			Summons Issued as to Office of the Chancellor and returned to attorney/plaintiff for service. (tg) (Entered: 08/18/2010)
08/26/2010	<u>5</u>		AFFIDAVIT of Service for complaint, filed by David Stebbins. Office of the Chancellor and University of Arkansas served on 8/20/2010, answer due 9/10/2010.(jn) (Entered: 08/26/2010)
08/26/2010	<u>6</u>		MOTION to Amend <u>1</u> Complaint by David Stebbins. (tg) (Entered: 08/26/2010)
08/30/2010			TEXT ONLY ORDER granting <u>6</u> Motion to Amend/Correct. Signed by Honorable Jimm Larry Hendren on August 30, 2010. (kcg) (Entered: 08/30/2010)
08/30/2010	<u>7</u>		ORDER denying <u>4</u> Motion to Register to Use CM/ECF. Signed by Honorable Jimm Larry Hendren on August 30, 2010. (src) (Entered: 08/30/2010)
09/10/2010	<u>8</u>		MOTION to Dismiss by University of Arkansas. (Varady, T.) (Entered: 09/10/2010)
09/10/2010	<u>9</u>		MEMORANDUM BRIEF in Support by University of Arkansas. (Attachments: # <u>1</u> Exhibit Exhibits A & B)(Varady, T.) (Entered: 09/10/2010)
09/15/2010	<u>10</u>		RESPONSE to Motion re <u>8</u> MOTION to Dismiss filed by David Stebbins. (jn) (Entered: 09/15/2010)
09/16/2010	<u>11</u>		MOTION to Dismiss certain claims by David Stebbins. (jn) (Entered: 09/16/2010)
10/04/2010	<u>12</u>		ORDER taking under advisement <u>8</u> Motion to Dismiss; granting <u>11</u> Motion to Dismiss. Signed by Honorable Jimm Larry Hendren on October 4, 2010. (src) (Entered: 10/04/2010)
10/07/2010	<u>13</u>		AMENDED COMPLAINT as to <u>1</u> Complaint against Office of the Chancellor and University of Arkansas, filed by David Stebbins.(jn) (Entered: 10/07/2010)
10/07/2010	<u>14</u>		MOTION for Service by David Stebbins. (Same document as #13 Amended Complaint) (jn) (Entered: 10/07/2010)
10/07/2010			MOTIONS REFERRED: <u>14</u> MOTION for Service. Motions referred to Honorable Erin L. Setser.(jn) (Entered: 10/07/2010)
10/27/2010	<u>15</u>		ORDER granting <u>14</u> Motion for Service and DIRECTING SERVICE on the Office of the Chancellor, G. David Gearhart, and the University of Arkansas' President B. Alan Sugg. Defendants are to answer within 21 days from the date of service. Signed by Honorable Erin L. Setser on October 27, 2010. (cc: U.S. Marshals Service--Certified)(src) (Entered: 10/27/2010)
10/27/2010			2 USM285 Forms Delivered to USMS re <u>15</u> Order on Motion for Service with complaint and Magistrate Consent. (src) (Entered: 10/27/2010)
11/04/2010	<u>16</u>		MOTION to Appoint Counsel by David Stebbins. (src) (Entered: 11/04/2010)
11/12/2010	<u>17</u>		ORDER denying <u>16</u> Motion to Appoint Counsel. Signed by Honorable Jimm Larry Hendren on November 12, 2010. (tg) (Entered: 11/12/2010)
11/23/2010	<u>18</u>		MOTION to Amend <u>1</u> Complaint by David Stebbins. (src) (Entered: 11/23/2010)
11/26/2010	<u>19</u>		SUMMONS Returned Executed by David Stebbins. Office of the Chancellor served on 11/17/2010, answer due 12/8/2010. (src) (Entered: 11/26/2010)

11/26/2010	<u>20</u>	SUMMONS Returned Executed by David Stebbins. University of Arkansas served on 11/15/2010, answer due 12/6/2010. (src) (Entered: 11/26/2010)
12/01/2010	<u>21</u>	MOTION for Extension of Time to File <i>Motion for Extension of Time to Plead</i> by University of Arkansas. (Attachments: # <u>1</u> Exhibit Exhibit A)(Varady, T.) (Entered: 12/01/2010)
12/01/2010	<u>22</u>	MEMORANDUM BRIEF in Support of <u>21</u> Motion for Extension of Time to Plead by University of Arkansas. (Attachments: # <u>1</u> Exhibit Exhibit A)(Varady, T.) Added link on 12/2/2010 (src). (Entered: 12/01/2010)
12/02/2010	<u>23</u>	ORDER denying <u>8</u> Motion to Dismiss; denying <u>18</u> Motion to Amend/Correct; taking under advisement <u>21</u> Motion for Extension of Time to Plead. Order directing the parties to refrain from the use of inappropriate language in their communications. Signed by Honorable Jimm Larry Hendren on December 2, 2010. (src) (Entered: 12/02/2010)
12/08/2010	<u>24</u>	Second MOTION for Extension of Time to File <i>Defendants Renewed Motion for Extension of Time to Plead</i> by University of Arkansas. (Attachments: # <u>1</u> Exhibit Exhibits A–F)(Varady, T.) (Entered: 12/08/2010)
12/08/2010	<u>25</u>	MEMORANDUM BRIEF in Support <i>Brief in Support of Defendants Renewed Motion for Extension of Time to Plead</i> by University of Arkansas. (Varady, T.) Modified text on 12/9/2010 (jas). (Entered: 12/08/2010)
12/14/2010	<u>26</u>	ORDER granting <u>21</u> Motion for Extension of Time to File; granting <u>24</u> Motion for Extension of Time to File. Responses to the complaint and amended complaint are due December 23, 2010. Signed by Honorable Jimm Larry Hendren on December 14, 2010. (src) (Entered: 12/14/2010)
12/23/2010	<u>27</u>	First MOTION to Dismiss <i>Motion to Dismiss</i> by University of Arkansas. (Varady, T.) (Entered: 12/23/2010)
12/23/2010	<u>28</u>	MEMORANDUM BRIEF in Support of <u>27</u> First Motion to Dismiss by University of Arkansas. (Varady, T.) Modified to add link on 12/27/2010 (jas). (Entered: 12/23/2010)
12/30/2010	<u>29</u>	RESPONSE in Opposition re <u>27</u> First MOTION to Dismiss filed by David Stebbins. (tg) (Entered: 12/30/2010)
02/15/2011	<u>30</u>	MOTION to Confirm Arbitration Award by David Stebbins. (src) (Entered: 02/15/2011)
02/15/2011	<u>31</u>	MEMORANDUM BRIEF in Support of <u>30</u> MOTION to Confirm Arbitration Award by David Stebbins. (Attachments: # <u>1</u> Exhibit A Youtube Link, # <u>2</u> Exhibit B Contract Overview, # <u>3</u> Exhibit C. 6/29/10 e–mail, # <u>4</u> Exhibit D 12/21/09 e–mail, # <u>5</u> Exhibit F 2/4/11 e–mail, # <u>6</u> Exhibit G e–mail from Varady, # <u>7</u> Exhibit H Dispute Resolution Form, # <u>8</u> Exhibit I Arbitration Demand)(src) (Entered: 02/15/2011)
02/15/2011	<u>32</u>	Suggestion in Support of <u>30</u> Motion to Confirm Arbitration Award filed by David Stebbins. (src) (Entered: 02/15/2011)
02/15/2011	<u>33</u>	Letter from Clerk to Mr. Stebbins regarding filing (src) (Entered: 02/15/2011)
02/23/2011	<u>34</u>	MOTION for ECF and pacer account by David Stebbins. (rw) (Entered: 02/23/2011)

			02/23/2011)
03/04/2011	<u>35</u>		MOTION for Default Judgment as to University of Arkansas and George Gearhart by David Stebbins. (src) (Entered: 03/04/2011)
03/04/2011	<u>36</u>		MEMORANDUM BRIEF in Support of <u>35</u> MOTION for Default Judgment as to University of Arkansas and George Gearhart by David Stebbins. (Attachments: # <u>1</u> Exhibit A PACER)(src) (Entered: 03/04/2011)
03/21/2011	<u>37</u>		SUPPLEMENT by Plaintiff David Stebbins to <u>30</u> MOTION to Confirm Arbitration Award, <u>35</u> MOTION for Default Judgment as to University of Arkansas and George Gearhart. (src) (Entered: 03/21/2011)
03/24/2011	<u>38</u>		RESPONSE in Opposition re <u>30</u> MOTION to Confirm Arbitration Award, <u>35</u> MOTION for Default Judgment as to University of Arkansas and George Gearhart <i>Response in Opposition to Plaintiff's Supplement to Motion for Default and Motion to Confirm Arbitration Award</i> filed by University of Arkansas. (Varady, T.) (Entered: 03/24/2011)
03/25/2011			CLERK'S NOTICE re Multiple Attorneys Listed on Pleading directed to Defendants Office of the Chancellor, University of Arkansas. Response in Opposition to Motion, <u>38</u> lists multiple attorneys appearing for the filer. The following attorney(s), who did not sign the pleading, must enter a separate Notice of Appearance in order to receive electronic notification of future activity in the case: William Kincaid, Tamla Lewis, Jeffrey Bell . TEXT ONLY ENTRY, NO DOCUMENT ATTACHED. (src) (Entered: 03/25/2011)
03/28/2011	<u>39</u>		REPLY to Response to Motion re <u>35</u> MOTION for Default Judgment as to University of Arkansas and George Gearhart filed by David Stebbins. (tg) (Entered: 03/28/2011)
03/28/2011	<u>40</u>		MOTION for In–Person Hearing by David Stebbins. (tg) (Entered: 03/28/2011)
03/28/2011	<u>41</u>		MEMORANDUM BRIEF in Support of <u>40</u> MOTION for In–Person Hearing by David Stebbins. (tg) (Entered: 03/28/2011)
03/31/2011	<u>42</u>	5	NOTICE OF APPEAL by David Stebbins. (cc via CM/ECF: T. Scott Varady; via U.S. Postal Service: David Stebbins) (jn) (Entered: 03/31/2011)
03/31/2011	<u>43</u>		APPEAL NOTICE to Counsel and Pro Se Parties re <u>42</u> Notice of Appeal filed by David Stebbins. (jn) (Entered: 03/31/2011)
03/31/2011	<u>44</u>	7	NOA SUPPLEMENT FORM re <u>42</u> Notice of Appeal filed by David Stebbins. (jn) (Entered: 03/31/2011)

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**US DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED**

MAR 31 2011

CHRIS R. JOHNSON, Clerk
By
PLAINTIFF
Deputy Clerk

DAVID A. STEBBINS

vs.

Civ. No. 10-5125

UNIVERSITY OF ARKANSAS & GEORGE GEARHART

DEFENDANTS

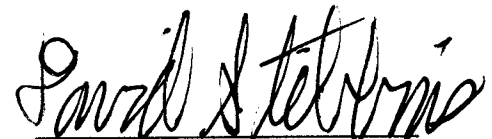
NOTICE OF APPEAL

Comes now David Stebbins, who hereby submits the following notice of appeal.

The Honorable Judge Jimm Larry Hendren is taking far too long to respond to three pending motions. These motions deserve a ruling, and Canon 3 of the Code of Conduct for United States Judges explicitly states that a judge should promptly dispose of the business of the court. As a direct result, I am hereby giving notice of my intent to petition the United States Court of Appeals for the Eighth Circuit for a writ of mandamus.

I am aware that mandamus is an extraordinary writ, but even if this filing is a bit premature, let us not forget that, by the time the Court of Appeals gets around to ruling on it, either the District Court will have passed judgment, and the petition should be denied as moot, or the District Court will have not passed judgment, and Mr. Hendren will have definitely taken too long, then, so the petition should be granted.

In compliance with Rule 3(a) of the Federal Rules of Appellate Procedure, three copies of this notice of appeal is being presented to the Clerk for the United States District Court for the Western District of Arkansas. Thank you, and please update my case promptly.



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Harrison, AR 72601
870-204-6024
stebbinsd@yahoo.com

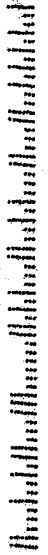
David Stebbins
1407 N Spring Rd
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Harrison, AR 72601



NORTHWEST AR PSDF
AR 727 1 T
30 MAR 2011 PM

U.S. District Court
35 E. Mountain St.
Room 510
Fayetteville, AR 72701

72701+5353



U.S. COURT OF APPEALS - EIGHTH CIRCUIT

NOA SUPPLEMENT

Please note any additions or deletions to the style of the case from the style listed on the docket sheet or attach an amended docket sheet with the final style of the case.

10-5125 DAVID STEBBINS vs. UNIVERSITY OF ARKANSAS et al.

Length of Trial: **NONE**

Financial Status: Fee Paid? Yes No **XX**

If NO, has IFP been granted? Yes **XX** No

Is there a pending motion for IFP? Yes No

Are there any other post-judgment motions? Yes No

Please identify the court reporter.

If no court reporter, please check

Name

Address

Telephone Number

CRIMINAL CASES ONLY:

Is the defendant incarcerated? Yes No

Please list all other defendants in this case, if there were multiple defendants.

SPECIAL COMMENTS: **CASE IS STILL PENDING - NO FINAL JUDGMENT.
APPEAL IS PREMATURE.**